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# HANDBOOK

TO THE

## LABOUR LAWS OF NEW ZEALAND.

Compiled under the direction of the late Right Hon. R. J. Seddon, P.C.,  
Minister of Labour.

NEW ZEALAND INTERNATIONAL EXHIBITION,  
CHRISTCHURCH, 1906-07.



WELLINGTON, NEW ZEALAND.

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1906.

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Received May 14, 1924.





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May 14 1924

## PREFACE.

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THE majority of the important statutes which have been grouped together as "The Labour Laws" had their origin in the policy of "advanced legislation" that has attracted attention to New Zealand of late years. They reveal themselves as the effect of a great popular effort to reform and improve the conditions of industrial life. In regard to one or two of the Acts which still endure hostile criticism, the censure that at present exists is directed more towards details or methods than in attack on the principle underlying the enactment.

EDWARD TREGEAR,

Secretary for Labour.



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# HANDBOOK

TO

## THE LABOUR LAWS OF NEW ZEALAND.

### THE INDUSTRIAL CONCILIATION AND ARBITRATION ACT.

THIS Act, first passed in 1894, has been amended again and again, in order to retain its flexibility in the face of new difficulties. With legislation of this character, necessitating the introduction of enactments covering an absolutely novel and untried field of action, the tentative and experimental nature of many of its requirements becomes evident. The principle underlying the whole has, however, never been departed from, that principle being the transference of industrial disputes from the tumult of personal struggle into the calmer and more impartial atmosphere of a Court of Justice. The law as it stands at present is to be found in "The Industrial Conciliation and Arbitration Acts Compilation Act, 1905," with a short amending Act of 1905.

#### Administration. Registration of unions.

The Act is placed under the administration of the Minister of Labour, and the Secretary for Labour is the Registrar of Industrial Unions. Industrial unions consist of any society associated for protecting or furthering the interest of employers or workers in specified industries. In the case of employers, two or more can form an industrial union of employers, and seven or more persons are empowered to form an industrial union of workers. These unions have to make rules, appoint committees of management, &c., all to be approved by the Registrar before they receive their certificates of incorporation.

The effect of registration is to render the industrial union and its members subject to the jurisdiction of the Board of Conciliation, the Court of Arbitration, and all the provisions of the Act.

The number of industrial unions in existence, according to last annual returns on 31st December, 1905, is as follows :—

Industrial unions of employers	...	...	...	113
"                  workers	...	...	...	261
<b>Total</b>	<b>..</b>	<b>...</b>	<b>..</b>	<b>371</b>
<b>Number of members :—</b>				
Industrial unions of employers	...	...	...	3,276
"                  workers	...	...	...	29,869
<b>Total</b>	<b>..</b>	<b>...</b>	<b>..</b>	<b>33,145</b>

**Powers of unions. Cancellation of registrations.**

In order to prevent needless multiplication of industrial unions connected with the same industry in the same locality or industrial district, the Registrar may refuse to register a second union if he considers that there already exists in that locality a registered union to which the applicants might conveniently belong. A member of a union may be sued for any dues, fines, levies, &c., owing to the union, and the amount can be recovered before any Court of competent jurisdiction by the secretary or treasurer of the union. A union may sue or be sued for the purposes of this Act. A union may purchase or lease lands (not exceeding 5 acres), houses, buildings, &c., through the union's trustees. A list of all officers and members of unions to be sent every year to the Registrar, and the union is subject to a heavy fine if this be neglected. If a union desires cancellation the Registrar is applied to, and, after giving six weeks' public notice in the Government *Gazette*, the Registrar may cancel the union's registration by further notice in the *Gazette*. The Registrar may also cancel the registration if, after reasonable inquiries and after giving due notice in the *Gazette*, he has cause to consider that a union is defunct and that it has practically ceased to exist. The effect of cancellation is to dissolve the incorporation of the union, but in no case does the dissolution relieve the union or any member of it from any agreement, award, penalty, &c., of the Court, nor from any liability incurred prior to cancellation.

The number of unions cancelled during the preceding year (1st April, 1905, to 31st March, 1906) is as follows :—

Industrial unions of employers	...	...	...	6
"                  workers	...	...	...	15
<b>Total</b>	<b>..</b>	<b>...</b>	<b>..</b>	<b>21</b>

Industrial associations (comprising two or more unions).

Any two or more industrial unions may federate into an industrial association of employers or workers, as the case may be, and (except for voting at elections of the Conciliation Boards or the Arbitration Court) are in every way bound by the provisions applying to single unions.

Related trades affecting industrial disputes.

If one industry has relation to another in such a way that the action of one affects the other in its working, these are called "related trades." Thus, bricklaying, masonry, carpentering, and painting are branches of the building trade, and are "related trades." Either the Governor by *Gazette* notice, or the Court of Arbitration in its award, can declare trades to be related. In such case, when an industrial dispute affects a trade, those trades which are related to it may be joined as parties to the dispute, voluntarily or involuntarily.

The effect of this section is best shown by an example. The coal-trimmers on a tramway from a certain mine in Westland struck work, but, not being organized into an industrial union, they could not be cited under the Act, or compelled to resume work at former rates, working-hours, &c., as unions or employers must do, till the dispute has been heard by the Court. Thereupon the Grey Valley Coal-miners' Union filed a dispute, and called on the coal-trimmers as a "related trade" (the miners not being able to work without the trimmers) to resume operations, which call was at once complied with, and business recommenced.

Industrial agreements.

Industrial agreements may be made between unions, associations, &c., of workers and employers for a specified time not exceeding three years. These may provide for anything affecting industries or to the settlement of an industrial dispute. Unless the registration of the union of workers concerned is cancelled, this agreement continues in force (even though its term has expired) until another agreement or award of the Arbitration Court supersedes it. A duplicate of the original agreement must be filed with the Clerk of Awards of that industrial district. Industrial agreements can be enforced by application to the Arbitration Court, the Court making the necessary order, as in case of a breach of its own award.

### Industrial districts.

The Governor, by notice in the *Gazette*, constitutes industrial districts, naming the boundaries, &c., of each district.

New Zealand is at present divided into eight industrial districts—viz., Northern, Wellington, Taranaki, Canterbury, Marlborough, Nelson, Westland, and Otago and Southland. The advantage of the colony being industrially divided into districts arises from the easy grouping of interests within these restricted areas. The conditions obtaining in a wet and broken country like Westland are very different from those (on the other side of the Southern Alps) in Canterbury, while the climatic conditions of Auckland affect expenditure on fuel, clothes, &c., less than do those of Southland.

### Clerk of Awards for each district.

In each industrial district there is appointed a Clerk of Awards, whose duty it is to receive and register all applications for reference of an industrial dispute, to convene the Board of Conciliation, issue summonses to witnesses, &c. He is also Returning Officer at elections of members of the Board of Conciliation.

### Board of Conciliation for each district.

In each industrial district is established a Board of Conciliation. It consists of not more than five persons, including a Chairman, the latter being elected by the other members, but not from among their own number. The members (excluding the Chairman) are representative in equal number of unions of employers and unions of workers. The Board remains in office three years, but its powers remain until the members' successors are appointed. The mode of election is as follows: The unions within the industrial district nominate certain persons to represent them, and if there are more persons nominated than offices to be filled, voting to elect from the nominees takes place. The Returning Officer furnishes the result to the Registrar, who causes the proper notice to be gazetted. If the Board fails to agree on the choice of a Chairman, the Governor appoints a fit person by notice in the *Gazette*.

### Industrial disputes before Boards of Conciliation.

The parties to an industrial dispute brought before a Conciliation Board must be trade-unions, industrial unions, or employers. These may appear by representatives, but are bound by the acts of such representatives. No barrister or solicitor may appear before a Board unless all parties concerned express consent

thereto, or unless he is a *bonâ fide* employer or worker in the industry in dispute. The Board, in making its inquiries, has all the powers of the Arbitration Court in the way of summoning witnesses, administering oaths, compelling and receiving evidence, except that it has not the right to demand the production of an employer's books. If a settlement of the dispute before the Board is arrived at, it is set forth in an industrial agreement, which is duly executed. If no settlement is arranged, the Board makes a recommendation on each item of the dispute, stating what should or should not be done, and the time (not less than six months or more than three years) during which the proposed settlement should remain in force. All or any of the parties to the reference may accept the Board's recommendation, and execute an industrial agreement in those terms. Within a month from the time of the Board making its recommendation any of the parties can refer the case to the Court of Arbitration, but if this is not done within the month the Board's recommendation operates as if it were an industrial agreement executed by the parties. If either party, however, to an industrial dispute wishes to refer the case direct to the Arbitration Court, then by filing an application with the Clerk of Awards the process of hearing before the Conciliation Board is superseded.

This last provision, of late introduction, has had the effect of making the functions of the Board become practically atrophied. One party to a dispute is now almost sure to apply to take the case direct to the Court. The reason given is disinclination to spend the time, pay witnesses' expenses, &c., for the double process of hearing by both Board and Court. Last year the industrial agreements registered numbered five, and the recommendations of the Boards seven. The Chairmen of the Boards gave nine interpretations, and thirty-nine other decisions.

Special Boards of Conciliation are permitted to be formed by the Act. These conciliators are to be experts in the trade under dispute, and are elected in the same manner as ordinary Boards of Conciliation.

No advantage has yet been taken of this provision of the Act.

#### The Court of Arbitration, constitution, &c.

The Court of Arbitration is not in its operation confined to any industrial district, but has jurisdiction over the whole of New Zealand. The Court consists of three members, appointed by the Governor, but the members (other than the President) are appointed

on the recommendation of the industrial unions, one representing the employers, the other the workers. The President is a Judge of the Supreme Court. Each industrial union may recommend, within a month of invitation to do so, the name of some person to be a member of the Court, and also the name of another person to be an acting-member in the case of the illness, absence, &c., of his principal. The recommendation has to bear the seal and authority of the union, and on the result of the majority vote of recommendations being ascertained the Governor proclaims the Court in the *Gazette*. The term of office of members is for three years, or until the appointment of successors. The members of the Court have to take oath to faithfully and impartially perform their duties, and that they will not, except in discharge of the duties of their office, disclose to any person any evidence or other matter brought before the Court.

The Court has power to summon witnesses, take evidence, and demand the production of all documents, books, papers, &c., it may require, and may accept any evidence it pleases, whether it be strictly legal evidence or not. The Court may make rules and regulations for its practice and procedure, and may refer any matter before it to a Board for investigation and report. The Court may state a case for the opinion of the Supreme Court respecting jurisdiction. It may dismiss frivolous cases, or may order any party to a dispute to pay costs and expenses of the other side, or vary such order in any way it thinks reasonable. The decision of the Court is arrived at by the decision of a majority of its members, or if the members present are equally divided in opinion, then the decision of the President is that of the Court.

#### Terms of awards.

The award of the Court must specify each original party on whom the award is binding, the currency of the award, what is to be done by each party or by the workers affected; but has no power to fix any age for the commencement or termination of apprenticeship. The award binds every trade-union, industrial union, or employer in the industrial district, who, not being an original party thereto, is at any time whilst the award is in force connected with or engaged in the industry to which the award

relates. It also binds every worker (unionist or non-unionist) who it at any time whilst the award is in force employed by any person on whom the award is binding. Such worker, for breach of such award, is liable to a fine not exceeding £10 sterling. If the Court has reason to believe that all the persons who should be included in the award have not been cited therein, it may direct that further parties be cited, or may by public advertisement give notice of time and place of an intended sitting of the Court, and such notice may be considered a citation. Power is given to the Court to limit or extend the operations of an award within an industrial district, and may extend its operations of any trade-union, industrial association, or employer on giving notice. It may (under special powers) extend an award into another industrial district where the award relates to a trade or manufacture the products of which enter into competition in any market with those manufactured in the industrial district wherein the award is in force; but in such case thirty days' notice of the application to obtain such extension from the Court must be sent to the parties to whom the extension would apply. Where workers engaged upon different trades are employed in any one business of any particular employer, the Court may make one award applicable to such business, and embracing, as the Court thinks fit, the whole or part of the various branches constituting the business of such employer; but notice must first be given to the different unions whose members are so employed.

Thus, in a woollen-mill, it may be very inconvenient for the managers to deal with half a dozen awards affecting his operatives—viz., those relating to engineers, dyers, wool-sorters, machinists, weavers, packers, carters, &c. In such case one award may cover the whole mill business, but notice must previously be served on the unions whose members are affected, in order that their interests may be conserved.

The Court of Arbitration has almost unlimited power. No award, order, or proceeding of the Court can be challenged, appealed against, reviewed, or called in question by any Court of judicature on any account whatsoever. No recommendation or order of the Board, or an award or order of the Court, can be void or vitiated by want of form or by any informality. Any one interrupting the Court or guilty of contempt may be taken into custody and fined £10. The Court itself may fix what constitutes a breach of its award, and what sum, not exceeding £500, shall be payable for such breach. Fines, costs, &c., under the Act can be collected

by the Court's order being filed in the nearest Magistrate's Court, and is thereupon enforced as if it was a judgment duly made by a Stipendiary Magistrate. The fines are paid into the Public Account, and form part of the Consolidated Fund. All property of a judgment debtor is available for satisfaction of the debt. The Court may prescribe a minimum rate of wages or other remuneration, with special provision for a lower rate being fixed in the case of a worker who is unable to earn the prescribed minimum. If the Court sanctions the payment of less than the minimum wage, the award authorises some named person to issue a permit to work below such minimum wage. Signed application must be made to the person authorised to grant such permit, and notice must be given to the secretary of the industrial union of workers representing the business concerned, in order that the union may have the power to express its opinion concerning the issue of such a permit.

#### Inspectors of Awards.

Every Inspector of Factories is an Inspector of Awards, and is charged with the duty of seeing that any industrial agreement, award, or order of the Court be carried out. Inspectors of Mines are also Inspectors of Awards, and must see that industrial agreements, &c., are carried out in coal-mines or other mines. Inspectors of Awards have power to demand production of all wages-books and overtime-books necessary to enable them to determine if the provisions of awards, &c., under the Act are being observed; but they are not allowed in any way to make public such information as they may derive from examination of such books, except for purposes of the Act, and breach of confidence in such case making the Inspectors liable to a fine not exceeding £50.

#### Industrial disputes referred to Board or Court to be approved by ballot of members of union.

No dispute may be referred to a Board or to the Court for settlement by an industrial union unless the question of such reference be approved by resolution of the members of the union at a special meeting. This resolution must be confirmed by a subsequent ballot of the whole of the members before reference can be made. In the case of an industrial association, the members of the governing

body of the association must first pass a resolution referring such dispute to a Board or the Court, and this resolution must be confirmed at special meetings of a majority of the unions represented by the association.

Pending settlement of industrial dispute existing relationships to continue.

When an industrial dispute arises the relationship of employer and employed must continue uninterrupted by anything (directly or indirectly) of the nature of a strike or lockout. There must be no taking part in a strike or lockout, or proposing, aiding, or abetting such proceedings. The *status quo ante* must remain unbroken, even though the time occupied in the preliminaries of reference, such as taking the vote of a union on the question of referring dispute to Board or Court, may be considerable. If default is made in any such particular, the person concerned, whether union, association, employer, or worker, is liable to a fine not exceeding £100 in case of a union, association, or employer, and £10 in the case of a worker. The dismissal or suspension of a worker, or discontinuance of work by a worker, shall be deemed a default, unless the party charged with such default satisfies the Court that such dismissal or discontinuance of work was not on account of the dispute. Every employer who dismisses from his employment any worker by reason of the fact that the worker is a member of an industrial union, or who is conclusively proved to have dismissed such worker merely because he is entitled to the benefit of an award, order, or agreement, shall be deemed to have committed a breach of the award, order, or agreement. If during the currency of an award any employer, worker, industrial union, or association, or any combination of employers takes proceedings with the intention to defeat any of the provisions of the award, every such employer, worker, union, association, and every member thereof respectively shall be deemed to have committed a breach of the award, and be liable accordingly. No worker shall be subject to a fine merely because he refuses to work at the rate of wages fixed by any award or industrial agreement, unless the Court is satisfied that there was an intention to commit a breach of the Act. A worker is deemed to be dismissed if suspended from work for a longer period than ten days.

**Experts may assist the Court in hearing disputes.**

Experts may be nominated to assist the Court in regard to technical questions. Of these, one expert shall be nominated by the employers' party and one by the workers' party in the dispute.

**Proceedings of Board and Court to be in public.**

Boards and the Court must conduct proceedings in public, and may sit either by day or night. The members and officers of such Board or Court may inspect and view any work, machinery, workshop, mine, &c., they think proper in course of duty, and may interrogate any person or persons in such workshops, mines, &c. Any person who obstructs or hinders such members or officers in the course of their duty, or refuses to answer any questions, is liable to a fine not exceeding £50.

**Special provisions re Government Departments.**

With respect to Government railways, the Amalgamated Society of Railway Servants may enter into industrial agreements with the Hon. the Minister for Railways as if the management of the railways was an industry and the Minister the employer of the workers. The society may by petition pray the Court to inquire into any industrial dispute arising between itself and the Minister. The Board of Conciliation has no jurisdiction over the society, nor can the society vote or nominate at elections of the Board, but it may make recommendations (as an industrial union) to the Governor in respect of appointments to Arbitration Court. Except in regard to disputes concerning workers on Government railways and the State coal-mines, the Act does not apply to the Crown or to any Department of the Government.

**Miscellaneous.**

The necessary power is given to the Governor to make regulations concerning the elections, certificates, expenses of members, fees, &c. The charges and expenses of the Act are defrayed out of annual appropriations of Parliament. No stamp duty is required on awards, agreements, certificates, &c. The Acts to be consulted for details of above statements are "The Industrial Conciliation and Arbitration Act, 1905," and "The Industrial Conciliation and Arbitration Amendment Act, 1905."

The business conducted by the Arbitration Court during the year ending the 31st March, 1906, was as follows :—

Awards	...	...	...	...	...	52
Enforcements of awards	...	...	...	...	...	282
Interpretations	...	...	...	...	...	16
Other decisions	...	...	...	...	...	30
Cases under the Workers' Compensation for Accidents						
Act	...	...	...	...	...	19
Total	...	...	...	...	...	399
The expenditure for the year was as follows :—						£
Conciliation Boards	...	...	...	...	...	388
Arbitration Court	...	...	...	...	...	3,214
Sundries	...	...	...	...	...	1
Total	...	...	...	...	...	£3,603

### THE FACTORIES ACT.

The Factories Act first became law in 1891. In that Act a place wherein three persons worked manufacturing articles for sale was considered a factory. The Act of 1891, with subsequent amending Acts, was consolidated and amended in 1894, when the number of persons whose co-working constituted their place of employment a factory was reduced to two. It has, since 1894, remained unaltered in that respect.

#### Interpretation.

“ Factory ” means any building, office, or place in which two or more people are employed, directly or indirectly, in any handicraft, or in preparing or manufacturing goods for trade or sale. Also, every bakehouse, every laundry, every building where an Asiatic is employed in laundry-work or other handicraft, and also every building wherein steam or other mechanical power is used for the purpose of preparing or manufacturing goods for trade or sale, or packing such goods for transit, is a factory.

#### Administration, Inspectors' powers, &c.

*Inspection of Factories.*—The Hon. the Minister of Labour is in charge of the Act. The Governor may appoint a Chief Inspector of Factories, a Deputy Chief Inspector, and Inspectors of Factories. An Inspector of Factories may inspect at all reasonable hours of the day and night any place he may consider to be in use as a factory, and may take with him a constable, if necessary, in execution of his duty. Any person who delays or obstructs such

Inspector is liable to fine. The Inspector may examine privately or publicly any person he finds in a factory, or whom he has cause to believe has within the preceding two months been employed in a factory, and require such person to make a statutory declaration of the matters on which he is so examined. The Inspector must, if required, produce his certificate of appointment, and must not disclose any information he acquires respecting a factory, except for purposes of the Act. Any one who personates an Inspector, or who forges any certificate of appointment, is liable to imprisonment with hard labour.

#### Registration.

No person is permitted to occupy or use any place as a factory unless the same is registered, and is liable to a fine of £5 for every day during which the factory is unregistered. A sketch plan of the intended factory, together with all particulars (such as the nature of the business, number of hands to be employed, &c.), must be approved by the Inspector, who may require defects to be remedied before registration. If the applicant is dissatisfied with the requirements of the Inspector, an appeal may be made to the District Health Officer, whose decision shall be final. The certificate of registration remains in force till the last day of March of each year.

*Factory Fees.*—Fees according to a schedule (here printed) have to be paid annually for registration of a factory, and if the number of persons employed is afterwards increased beyond the prescribed number covered by the fee, paid on application, the value of the difference in number must be paid to the Inspector.

#### Schedule.

Where the maximum number of persons to be engaged in the factory does not exceed three	£	s.	d.
Where such number exceeds three, but does not exceed eight	0	5	0
Where such number exceeds eight, but does not exceed fifteen	0	10	0
Where such number exceeds fifteen, but does not exceed thirty	1	1	0
Where such number exceeds thirty	2	10	0

#### Records to be kept showing wages, &c.

The factory-occupier must keep a substantially-correct record of the names of his workers, their ages (if under twenty years of age), the kind of work of each, and the weekly earnings of every person employed. There must be set up in some conspicuous place, at or near the entrance to the factory, the name and address of the Inspector, the holidays, working-hours, &c.

**Hours of employment and overtime.**

*The Hours of Male Workers.*—Subject to provisions of any award of the Arbitration Court concerning working-hours in the trade, a male worker over the age of sixteen years may not be employed in a factory for more than eight hours and three quarters in any one day, nor for more than five hours continuously without an interval of at least three-quarters of an hour for a meal. If the working-hours be extended beyond the above-named limits, every person employed during such extended hours shall be paid therefor at not less than one-fourth as much again as the ordinary rate. Those persons whose ordinary wages do not exceed 10s. a week shall not receive overtime pay at a less rate than 6d. per hour, and a minimum rate of 9d. per hour overtime shall be paid to those whose wages exceed 10s. per week. In the case, however, of persons employed at bush sawmills, in logging, breaking down, and sawing rough timber, the overtime is only payable for the extended hours worked during the week in excess of forty-eight hours. All overtime payments must be made at the first regular pay-day thereafter.

*Hours of Women and Boys.*—A woman or boy may not be employed (except in woollen-mills) for more than forty-five hours, excluding meal-times, in any one week, nor more than eight hours and a quarter in any one day, nor for more than four hours and a quarter continuously without an interval of at least three-quarters of an hour for a meal, nor at any time after 1 o'clock in the afternoon of the weekly half-holiday. Women may not be employed between the hours of 6 o'clock in the evening and 8 in the morning following, nor boys between the hours of 6 o'clock in the evening and a quarter to 8 in the morning, provided that, with the written consent of the Inspector, during certain months of the year 7 o'clock in the morning may be substituted for 8 o'clock if the eight hours and a quarter per day be not exceeded. In woollen-mills women over the age of eighteen and boys may be employed for not more than forty-eight hours, excluding meal-times, in one week, for not more than eight hours and three-quarters in one day, and for not more than four hours and a half continuously without an interval of at least three-quarters of an hour for a meal. In the case of women and boys, the rates of overtime (time and a quarter) and the minimum rates

(6d. per hour and 9d. per hour) are the same as those above-noted as applying to men, but there are further restrictions for women and boys. The prescribed number of working-hours may not be exceeded for more than three hours in one day, or more than two consecutive days in any week, or more than thirty days in any year, nor may overtime be worked on any holiday or half-holiday. During such overtime-work no women or boys may be employed for more than four hours continuously without an interval of at least half an hour for rest and refreshment. The hours of women and boys may not be extended without the written warrant of the Inspector being posted in the factory during the time the extended hours are being worked. The Inspector has to keep a record of the names of workers, hours, &c., of such overtime, and may only grant permission to work if satisfied that such overtime will not be hurtful to the worker engaged. If no notice to work overtime has been given on the day before the work is wanted to be done, every woman or boy residing further than one mile from the factory shall receive either a sufficient meal or 1s. to purchase such meal before commencing the extended work.

*Overtime.*—An “overtime-book” must be kept in a factory, containing the proper records of all overtime worked, with the name of the assistant and respective dates, periods of employment, &c. This overtime-book is to be always open to the inspection of the Inspector.

As the Inspectors of Factories are also Inspectors of Awards, the power of examining wages-books and overtime-books is a very necessary and valuable provision. The overtime worked last year in the four chief towns was as follows :—

—	Women and Boys.	Hours worked.	Men.	Hours worked.	Total.
Auckland .. ..	1,685	46,046	563	43,263	89,909
Wellington .. ..	1,614	37,146	952	63,614	100,760
Christchurch .. ..	2,405	60,681	1,622	64,059	124,740
Dunedin .. ..	1,198	37,080	785	104,071	141,151
<b>Total</b> .. ..	<b>6,902</b>	<b>180,953</b>	<b>3,922</b>	<b>275,007</b>	<b>455,960</b>

#### Special provisions as to women and boys.

In respect to women and boys, a factory-occupier has no right to make any deduction, set-off, or counter-claim against wages or earnings except for special damage wrought by an unlawful act or

default. A woman may not be employed in a factory during four weeks immediately after her confinement. Women and boys are not allowed to be employed in the process of wet-spinning except under special precautions. Nor are they allowed to take a meal in the workroom, nor to remain in the workroom during the interval for meals; but this only applies to establishments where more than four women or boys are employed. In smaller establishments it is left to the discretion of the Inspector to permit or refuse the use of the workroom as a room for meals. In a factory employing more than four women or boys a proper room for meals must be provided, must be furnished with seats and tables, and made comfortable to the Inspector's satisfaction.

A boy or girl under fourteen years of age may not be employed in a factory except in special cases authorised by the Inspector.

Practically no such authorisation is given.

A girl under fifteen years of age may not be employed in a printing-office. A boy or girl under sixteen may not work at dry-grinding in metals or dipping matches. A girl under sixteen may not be employed in the making or finishing of salt or of bricks or tiles. A girl under eighteen may not be employed in the process of melting or annealing glass. No boy under eighteen and no woman may be employed in any room in which there is carried on the silvering of mirrors by the mercurial process or the making of white-lead.

A boy or girl under sixteen years of age shall not be employed in any factory unless the occupier holds from the Inspector a certificate of fitness relating to the boy or girl. This must be produced to the Inspector if he requires to see it, and delivered up to him on the boy or girl ceasing to be employed in that factory. The certificate must give name, age, &c., of the young person, and may be extended to any factory or trade. Before granting the certificate the Inspector must satisfy himself that the boy or girl in question has passed the Fourth Standard (State schools) or some equivalent examination. A register of all such certificates must be kept by the Inspectors.

*Wages of Young People.*—Boys and girls under sixteen years of age working in factories must receive not less than 5s. a week, with an annual increase of not less than 3s. weekly during every suc-

ceeding year of employment in the same trade until twenty years of age, this payment being reckoned exclusive of overtime earnings. If more than twenty years of age, and having served in a factory or factories not less than four years, a rate must be paid not less than 17s. a week for the first year and £1 a week for the next and succeeding years. Payment must be made in full, at not longer than fortnightly intervals. No premium may be accepted by a factory-occupier, and if it is so accepted the amount may be recovered in civil proceedings instituted by the Inspector, in addition to the penalty liable to be inflicted. A certificate is to be given by the employer to any person leaving employment in the factory, stating correctly the period during which such person has been employed. The worker cannot demand any increased rate of payment without production of certificate, and the occupier must keep record of the lengths of all such services.

*Holidays.*—The occupier of a factory shall allow every boy under eighteen years of age, and to every woman, holidays as follows: A whole holiday on every Christmas Day, New Year's Day, Good Friday, Easter Monday, Labour Day, and birthday of the reigning Sovereign; also a half-holiday on every Saturday from the hour of 1 o'clock in the afternoon. Wages for each whole and half-holiday shall be paid at the same rate as for ordinary working-days, and shall be paid at the first regular pay-day thereafter. The Act makes exception of the half-holiday for those engaged in newspaper printing-offices.

#### Noxious processes.

*Noxious Processes.*—The Governor may declare any specified industry or process to be noxious. In such case no person employed in the factory is allowed to take any meal in any room or place where such noxious industry or handicraft has been carried on during any previous part of the day.

#### Special provision re letting out work in textile or shoddy material.

“*Sweating.*”—For the better suppression of the “sweating” evil, where any factory-occupier lets out work in textile or shoddy material to be done outside the factory he must keep a record of the name and address of the person taking the work, the description and quantity of the work, and the nature and amount of remunera-

tion. If the work is done elsewhere than in a registered factory a label of prescribed form and size must be attached to the goods.

This label must be of size at least 2 in. square, and bear an inscription, "Made by —, in No. — Street, in a private dwelling or unregistered factory," &c.

Every textile article made outside a registered factory must have such label affixed, or entails a fine not exceeding £1 on the occupier of the factory. Every person who knowingly sells or exposes for sale such article without the appropriate label is liable to a penalty not exceeding £10. Every person who wilfully removes such label before sale is liable to a penalty not exceeding £20.

Practically this provision has put an end to goods being made for sale outside factories, and the object desired—viz., the prevention of garments being made up in filthy or unhealthy localities—has been achieved. The attachment of such a label would effectively bar its sale, and therefore no goods bearing such labels appear on the market.

*Subletting.*—If the person to whom work is let out directly or indirectly sublets the work, whether by piecework or wages, or in any way other than on his own premises and by himself or his own workmen, he is liable to a penalty not exceeding £10, and the occupier of the factory giving out the work is liable to a penalty not exceeding £20. Every merchant, shopkeeper, agent, or distributor giving out textile material to be made up is in this case deemed to be the occupier of a factory. If any person employed in a factory does any work for the factory elsewhere than in the factory the occupier is liable to a fine not exceeding £10 for each offence, and the worker to a fine not exceeding £5 for each offence.

This last provision was intended to check the practice of workers being induced, after their daily work was done, to take home work to finish at their private residences. It has been effective for its purpose.

#### Accidents, fires, sanitation, &c.

*Accidents.*—Rules are set out for the guidance of those persons controlling machinery, such as the provision of belt-shifters on running gear, fences and safeguards on vats, fans, saws, shafting, &c. The Inspector may prohibit the use of any machine or appliance he considers unsafe by fastening a notice thereon, and may require a factory-occupier to repair and safeguard an appliance or remedy any defect. If default is made, and death or bodily injury results to any person, the occupier is liable to a penalty not exceeding £100, this penalty being independent of any liability incurred for compensation or damage. When an accident

occurs in a factory it is the duty of the occupier to at once furnish the Inspector with all particulars, and thereupon the Inspector must proceed to the place of accident and make full inquiry.

Serious accidents in factories during the last few years have not been numerous.

*Fires.*—In every factory wherein work is carried on by more than three persons upon a floor above the ground-floor efficient fire-escapes must be provided. The plan and system of such fire-escapes may be prescribed by regulations, and if such regulations do not apply, the system proposed must be approved by the Inspector before adoption. Every door in such factory, whether external or internal, must be hung so as to open outwards, every door, passage, or staircase being kept clear and unfastened. Staircases leading from one floor to another must have substantial handrails, and the Inspector may require the alteration of steep, narrow, winding, or insecure stairways or passages.

*Sanitation.*—A factory must be kept in a healthy state, free from smells or drain-leakage, &c. Proper closet-accommodation must be provided for all workers, and where members of both sexes are employed such accommodation must be entirely separate so as to insure privacy. The factory may not be overcrowded, and shall be ventilated so as to carry off all gases, fumes, &c., so as to insure a supply of fresh air. The space required for the use of each worker is determined by regulation, and such space is not to be occupied or crowded upon by materials, goods, tools, &c. A sufficient supply of fresh water for all persons employed must be supplied. In all bake-houses special precautionary rules are to be observed, the rooms, passages, &c., having to be limewashed every six months (or other cleansing precautions in lieu thereof). No sleeping-places are allowed in or near a bakehouse except with proper partitions dividing the sleeping-rooms from the bakery, and drain-pipes, water-pipes, &c., are all to be arranged in a sanitary manner. If in any factory wherein is carried on the preparation or delivery of bread, meat, milk, confectionery, or any other article of human consumption, or of any textile fabric, the Inspector considers that any person employed is in a state of health likely to convey germs of disease or other contamination to the said articles, the Inspector must report the case to the District Health Officer, at the same time serving on the affected person a notice requiring him to

submit himself for examination to a medical authority, and a copy of this notice is to be served on the occupier. Immediately on receiving such notice the affected person must cease to do work until he has produced from the medical authority a clean certificate, and shown it to the Inspector.

It is difficult for a member of the general public to understand how fully such a regulation as the above is necessary. Such necessity can, however, be proven overwhelmingly and *ad nauseam* by a careful system of inquiry in any country not possessing such legal requirements in the matter as New Zealand.

#### Contagious and infectious diseases.

In order to check the risk of disease being spread by contagion or infection, it is unlawful to receive goods or work them up if in any factory or dwellinghouse there resides (or has resided within fourteen days) any person suffering from contagious or infectious disease. The Inspector may cause any such goods or materials to be seized, removed, and disinfected at the expense of the owner, and may, on the order of a Stipendiary Magistrate, destroy them at the expense of the owner.

If in any building, yard, or place adjoining a factory there exists any nuisance or insanitary defect likely to cause injury to health of factory-workers, the Inspector may order the removal or abatement of such nuisance. If, however, the Inspector considers that in relation to a factory or its adjoining premises there exists any nuisance or defect which could be better dealt with by the District Health Officer, he can apply to the local authority to effectively abate such nuisance, and if not abated within seven days the application shall be made to the District Health Officer.

#### Offences, and miscellaneous provisions.

*Offences.*—The forgery, counterfeiting, or fraudulent alteration of any certificate, notice, &c., authoritatively issued by an Inspector renders an offender liable to penalty. When a young person under sixteen years of age is employed, in breach of this Act, the responsible parent is also liable to a penalty, unless the parent satisfies the Court that the offence was committed without his consent, &c. Any person who is in a room where the work of a factory is going on is considered as being employed in the room. All proceedings in respect of offences under the Act are to be heard before a Stipendiary Magistrate alone. The occupier of a factory may allege some other person to be the actual offender in the case of a charge

brought against himself, and the Inspector may proceed against such other person instead of the occupier. Proceedings against any person under the Act must be commenced within one month from the time the offence was committed.

*Miscellaneous Provisions.*—Premises that are separated or intersected by a road, street, or stream may be considered as one factory. In counting for the purposes of the Act the number of persons engaged in a factory, the occupier, or, if married, then the occupier with husband or wife, as the case may be, is considered as one person employed. Each Inspector has to prepare a local report to the Minister, and the Minister an annual report for each year ending the 31st March, such annual report to be presented to Parliament within one month of the commencement of session. The Governor may make regulations. The fees, penalties, &c., are to be paid into the Consolidated Fund; the salaries of Inspectors, &c., to be paid out of money appropriated from time to time by Parliament. The Act does not apply to shearers or shearing-sheds.

The Factories Act in New Zealand is administered by Inspectors of Factories. Permanent Inspectors are stationed at Auckland, Wellington, Christchurch, Dunedin, New Plymouth, Wanganui, Palmerston North, Gisborne, Napier, Masterton, Nelson, Greymouth, Ashburton, Timaru, Oamaru, and Invercargill. In the country districts the duties are fulfilled by sergeants and constables of the Police Force, who, in addition to factory-work, have the supervision of shops and offices, of shearers' accommodation, domestic servants registry offices, awards of the Arbitration Court, and of labour affairs ("unemployed," &c.) generally.

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#### THE SHOPS AND OFFICES ACTS.

(“THE SHOPS AND OFFICES ACT, 1904,” AND “THE SHOPS AND OFFICES ACT AMENDMENT ACT, 1905.”).

##### Interpretation.

In the interpretation section an “Inspector” means an Inspector of Factories, “Minister” means the Minister of Labour, and an “occupier” means a person occupying a building or place used as a shop, but also includes a manager or foreman. “Office”

means a place used in doing clerical work in connection with mercantile or commercial business, but does not include the office of a solicitor, of a mining company, of a miners' union, or of a factory or shop. "Shop" does not include a wholesale warehouse. "Shop-assistant" means any person (whether a member of the occupier's family or not) employed by the occupier of a shop or about the business of a shop, and includes apprentices, improvers, and all persons engaged in selling or delivering goods or in canvassing for orders, but does not include commercial travellers.

*Combined and Separate Districts.*—All boroughs and town districts, any one of which is within a mile of another, constitute a "combined district." Every other borough or town district, and every road district, county, and portion of county not included in a road district or town district is a "separate district." Combined districts have to be gazetted by the Minister. There is an exception in favour of Sumner and New Brighton, which are excepted from the combined district of Christchurch.

Hours during which assistants may be employed (in special trades).

Subject to the provisions of the Act and to an award of the Arbitration Court, a shop-assistant shall not be employed in or about any shop in which is carried on the trade or business specified hereunder after the hour set opposite to such trade or business.

—		Hour on Statutory Half- holiday.	Hour on One Working-day in each Week.	Hour on all other Working-days.
Bakers	...	10.30 p.m.	11 p.m.	10.30 p.m.
Butchers	...	1 p.m.	10 p.m.	6 p.m.
Chemists	...	1 p.m.	9 p.m.	8 p.m.
Confectioners	...	10.30 p.m.	11 p.m.	10.30 p.m.
Dairy-produce sellers	...	1 p.m.	10 p.m.	6 p.m.
Fishmongers	...	10.30 p.m.	11 p.m.	10.30 p.m.
Florists	...	1 p.m.	10 p.m.	8 p.m.
Fruiterers	...	10.30 p.m.	11 p.m.	10.30 p.m.
Hairdressers	...	1 p.m.	10.30 p.m.	8 p.m.
Newsagents	...	1 p.m.	10 p.m.	8 p.m.
Pork-butchers	...	1 p.m.	11 p.m.	10.30 p.m.
Refreshment-room keepers		11.45 p.m.	11.45 p.m.	11.45 p.m.
Tobacconists	...	1 p.m.	10.30 p.m.	8 p.m.

Provided that no female assistant shall be employed in or about any such shop (other than a refreshment-room) after 9 o'clock in the evening, except on Christmas Eve and New Year's Eve.

If a hairdresser let any chair or part of his shop to another person, that person is a shop-assistant, and the hairdresser his employer.

*Hours during which assistants may be employed (in other trades).*

*Limits of Employment.*—Excepting in the trades specified above, a shop-assistant working in any shop within a combined district, or in a borough having a population of five thousand or upwards, shall not be employed after 1 o'clock on the statutory closing-day, or 9 o'clock in the evening of one working-day in each week, or 6 o'clock in the evening of any other working-day. If the borough contains less than five thousand of a population, the assistant must not be worked longer than 1 o'clock on the half-holiday, 9 o'clock on one working-day in the week, and 7 o'clock in the evening of any other working-day. Assistants not employed in any combined district or borough may not be worked after 1 o'clock on the half-holiday, or such hours on other working-days as may be fixed by the occupiers for the closing of such shops.

If any shop-assistant is employed at any work in connection with the business of the shop later than half an hour after the time prescribed by this section, the occupier commits an offence. The wife of an occupier of a shop and the members of his family are not shop-assistants as regard to the closing-hours mentioned, but the provisions relating to the weekly half-holiday and to the number of hours a week to be worked apply to them.

*Hours of commencing work, maximum hours per week, &c.*

No shop-assistant may be employed before 4 o'clock in the morning in the case of bakers, butchers, or milkmen, or before 7 o'clock in the morning in any other case.

*Hours of Employment.*—Subject to the provisions of the Act and to an award of the Arbitration Court, a shop-assistant shall not be employed about a shop or its business for more than fifty-two hours, excluding meal-times, in any one week, nor for more than nine hours, excluding meal-times, in any one day (except on one day in each week, when the employment may be for eleven hours, excluding meal-times), nor for more than five hours con-

tinuously without an interval of at least one hour for a meal, nor after 1 o'clock in the afternoon of the weekly half-holiday. This does not apply to an assistant delivering goods four miles or upwards from the shop, and not being within three miles of any borough or town district, or within an area over which an award of the Arbitration Court is in force. Persons tending or feeding horses used in the business are not required to observe ordinary hours of closing.

*Overtime.*—A shop-assistant's working-hours may be extended for the purpose of stock-taking or other special work, but only with the consent of the Inspector, and for not more than three hours a day for thirty days in any one year. Overtime must be paid, however, for such extended hours, the rate being not less than 6d. an hour for those whose ordinary wages do not exceed 10s. a week, and not less than 9d. per hour for all others. Overtime payment to be made on the first regular pay-day after such work is executed. Assistants in receipt of more than £200 per annum cannot claim for overtime.

*Sitting - accommodation.*—Proper sitting - accommodation for female assistants must be provided and made available, nor may dismissal or reduction of wages follow use of sitting-accommodation.

#### Wages.

*Payment of Wages and Overtime.*—Wages must be paid to every person employed in or about a shop. In no case must such wages be less than 5s. per week for the first year, 8s. for the second, and so on, with a regular increase of 3s. for every succeeding year of employment in the same trade until twenty years of age. Such payment is irrespective of overtime. Payment must be made not later than every fortnight; and if the employer makes default for fourteen days he is liable to a fine. The inspector may take proceedings for the recovery of any assistants' wages without affecting other civil remedies. No premium for employment may be taken by an occupier.

#### Weekly half-holiday.

*Weekly Half-holiday.*—All shops (except those specially exempted) have to be closed on one working-day of the week at 1 o'clock in the afternoon for the remainder of the day, which must be one and the same working-day for the same separate or

combined district. But if any day but Saturday should be appointed the day for the half-holiday, then, by giving due notice to the Inspector during the month of January, the shop can keep open on the ordinary half-holiday and shut on Saturday afternoon. All assistants in hotel-bars must have a half-holiday on one day of each week.

*Exemptions from Closing on Half-holiday.*—Certain shops are exempted from closing on the statutory half-holiday, such as those of fruiterers, confectioners, refreshment-room keepers, &c. A butcher, a hairdresser, a tobacconist, or a photographer may, by giving notice to the Inspector, open his shop on the afternoon of Saturday and close on some other afternoon if Saturday is made the statutory half-holiday. Shops in seaports may supply on the half-holiday any ship arriving or leaving during that day. During the time of harvest a shop may keep open on half-holidays for sole purpose of selling harvesting-machinery. A chemist's shop may remain open on half-holiday for the sole purpose of supplying medicines, &c., and a chemist's assistant residing on the premises may supply medicine, &c., at any time.

Any shop in which public, postal, telegraphic, or telephonic business is carried on can remain open on half-holidays solely for such business; but if such shop is the only shop in the locality within a radius of three miles it may be kept open for any business.

*Deciding on Day for Half-holiday.*—The mode of deciding on the day for the half-holiday is as follows: In a separate district there is called a special meeting of the local authority (Town Council, &c.) in January of each year to decide on the statutory closing-day, and, on such decision being arrived at, the Mayor or Chairman notifies the Minister, who gives notice thereupon in the Government *Gazette*. In a combined district the local authorities appoint delegates to a conference held in January of each year, and at such conference the closing-day is selected, and the Minister notified in order that the day may be gazetted. If through any failure in the procedure the day is not decided on, the Minister may appoint a day as the closing-day.

*Special Holidays.*—Certain special holidays, such as Christmas Day, Boxing Day, Good Friday, &c., may be accepted for the closing of shops instead of the usual statutory half-holiday, and

when any such day falls on a Sunday the following Monday shall be considered as being in lieu of Sunday. If such special day falls on Sunday or Monday, any one who usually closes his shop on Saturday afternoon may keep it open on the Saturday next preceding.

*Miscellaneous.*—A shop shall not be deemed closed unless it is effectually closed against the admission of the public. If a shop and factory are combined, the question of whether a certain person is employed in the shop or the factory is left to the decision of the Inspector.

*Payment for Holidays.*—The ordinary wages or salary of every shop-assistant must be paid for the statutory half-holiday at the first regular pay-day after observance.

*Hawkers.*—Hawkers and other persons selling goods by retail otherwise than in a shop must give assistants the privileges of shop-assistants, and any such person is deemed to keep a shop open wherever and whenever he is selling or offering his goods for sale.

#### Early closing of shops.

*Closing by Majority.*—On the requisition of a majority of shop-occupiers (being British subjects) in a district to the effect that at a specified hour in the evening all shops should close, and on the verification of such majority by the local authority, the Minister may gazette the closing-hour as requested. The requisition may be limited to any particular trade or trades, and shall in such case supersede any requisition applying to all shops.

#### Provisions *re* offices.

*Closing of Offices.*—Every office is to be closed against admission by the public by 1 o'clock in the afternoon on Saturdays, and by 5 o'clock in the afternoon of every other working-day. The exceptions to this rule are the offices of banks, Harbour Boards, insurance companies, wholesale warehousemen, wool-brokers, wool-buyers, shipping agents, railways, tramways, newspapers, telegraph agencies, cable companies, telegraph companies, freezing companies, forwarding agencies, and live-stock auctioneers.

*Exemptions from Overtime.*—If any other day than Saturday is appointed as closing-day for shops, an office may be closed on that day in lieu of Saturday if notice be given to the Inspector during January, or within a month of the office being opened. Wages or salary have to be paid for the half-holiday or any holi-

day to the office-assistant as to a shop-assistant. An office-assistant may not do any work in connection with his employment in the office or elsewhere after the expiration of half an hour after closing-time. The exceptions are for a cashier or book-keeper in his daily balance, a ledger-keeper in his periodical balance, and an office-assistant in writing up the day's work or clearing up arrears of office-work due to special circumstances; but the latter may not be thus employed more than three hours in one day or for more than six days in a month; at the yearly or half-yearly balance he may not be employed for more than three hours in one day nor for more than four weeks. Messengers and caretakers are exempt from time-limits.

*Payment for Overtime in Offices.*—An extra-time book, open to inspection of the Inspector, must be kept in offices, and payment must be made for all overtime at the rate of one and a half times the ordinary payment, but in no case less than 9d. an hour. Office-assistants whose wages exceed £200 per annum do not receive overtime.

#### Sanitation, &c.

*Sanitation in Offices.*—Offices must be kept in a cleanly state, free from smell or leakage of drains. Lavatory-accommodation, with W.C.s, &c., is to be supplied, with privacy and separation in the parts reserved for different sexes if such be employed. Fresh air and sufficient air-space is to be arranged for, and good drinking-water supplied.

*Disease in Shops.*—If in any shop the Inspector considers a shop-assistant in a state of health which would convey germs of disease or contamination to any article of food or textile material, the Inspector shall serve a notice upon such assistant requiring him to cease work until he has been examined by the District Health Officer. The Inspector also must report case at once to the District Health Officer, and serve notice on occupier of shop forbidding the shop-assistant to work until the certificate of the District Health Officer has been received declaring the suspected person fit for employment. If an Inspector considers that any nuisance or defect could be better dealt with by the District Health Officer than under the Shops Act, he can give notice to that effect, and may take the District Health Officer, the Inspector of Nuisances, or any officer of the local authority into a shop or office.

## Offences, penalties, &amp;c.

Every person is liable to a fine not exceeding £20 or three months' imprisonment with hard labour who forges, counterfeits, or alters a certificate or document under this Act, or who personates a person named in the document, or who wilfully makes a false entry in a book, record, &c. That an occupier is liable to a fine does not free him from civil liability to pay wages, &c., in case of a holiday or half-holiday. The liability for offence of an occupier of a shop may be changed to another person whom he may allege to be the actual offender by application to a Magistrate and the change being approved of. The Magistrate, instead of inflicting a fine for an offence, may order that certain work be done in the way of sanitation or prevention of accidents.

Proceedings under the Act must be taken by the Inspector within one month after committal of the offence. It is the duty of an Inspector to see that the provisions of the Act are carried out and guilty parties prosecuted. An Inspector has all the powers of entry and inspection under the Shops and Offices Act that he has under the Factories Act. The Governor may make regulations.

Requisitions have been received from thirty-eight places desiring early closing at certain hours. Some of these requisitions were for all shops to close; but, especially in the larger towns, advantage is taken of the provision allowing closing to be determined by separate trades.

Under the Shops and Offices Act, during the year ending 31st March, 1906, 127 cases were brought to the Courts. Of these, 117 decisions were in favour of the Inspector, six cases were dismissed, and four withdrawn.

## THE TRUCK ACT.

(“THE TRUCK ACT, 1891”: AN ACT TO PROHIBIT THE PAYMENT OF WAGES IN GOODS, OR OTHERWISE THAN IN MONEY.)

In every contract (which includes any agreement, understanding, &c., on the subject of wages) made with any workman, the wages of such workman shall be made payable in money, and not otherwise. If by agreement, custom, or otherwise a workman is entitled to receive an advance, the employer must not withhold such advance, or make any deduction on account of poundage, interest, or any similar charge.

*Contract to be Partially Void if Act contravened.*—If in any contract the whole or part of any wages shall be made payable in any other manner than in money, or shall provide for any deduction or charge in respect to an advance, such contract is declared *illegal and void* so far as regards any promise relating to the payment of wages otherwise than in money, and such promise or consideration shall be deemed severable from the other part of the contract which shall otherwise remain in force.

*Spending of Wages.*—No employer may stipulate or impose terms on any workman as to the place, the manner in which, or the person with whom any wages are to be expended. No employer may dismiss a workman from employment on account of the manner in which wages are expended or not expended, or on account of the place at which or the person with whom such wages are spent.

*Payment Void if not made in Money.*—The entire amount of the wages earned by or payable to any workman shall be actually paid to such workman in money, and not otherwise, at intervals of not more than one month if demanded. Every payment of wages by delivery of goods, &c., or otherwise than in money is declared *illegal and void*. Every workman is entitled to recover in a Court of law the amount earned but which has not been paid in money. No set-off or counter-claim in respect of goods received in lieu of wages will be allowed.

See, however, exemptions at end of this article.

*Action for Goods not Valid.*—No employer may maintain an action in Court against any workman for goods supplied on account of wages or for any goods supplied to such workman at any store or other premises belonging to such employer.

No deduction shall be made from a workman's wages for sharpening or repairing tools, except by agreement.

*Cheque, &c., considered Money.*—Nothing in the Act renders invalid any payment or contract for payment of a cheque, draft, or order drawn upon a banker in New Zealand, but this only: if the workman freely consents to receive such document, and in that case the cheque, draft, or order shall be considered as money, but if a cheque it must not be crossed. If the cheque, draft, or order be dishonoured, the workman may recover such reasonable damages

as he may have sustained in consequence, and such damages may be recovered in addition to any wages due.

*Penalties, &c.*—If the employer or his agent shall enter into any contract, or make any contract declared in the Act to be illegal or void, wholly or in part, he is liable for the first offence in a penalty not exceeding £10, for the second offence a penalty not exceeding £25, and for a third a penalty not exceeding £50. For every offence after the third the penalty is not to exceed £50. An agent is liable to the same penalty as an employer; but when an employer is able to prove to the satisfaction of the Court that the agent had committed the offence without the employer's consent or connivance, then the agent may be considered liable, and the employer be exempt. A partner is not considered liable if he has no knowledge of the offence.

Ten days must elapse between convictions for first and second offences, and ten days between second and third. Unless evidence is produced that an offence is a second or third offence the offence will be considered a first offence. No person shall be proceeded against or punished as for a second or third offence at the distance of six months from the commission of the next preceding offence.

#### Exemptions.

The Act does not apply in the following cases: Where an employer supplies or contracts to supply any medicine, medical attendance fuel, materials, tools, &c., used in the business; where an employer supplies or contracts to supply outfit and means of support for bush-felling parties; where an employer supplies or contracts to supply hay, corn, &c., for horses or beasts of burden; where an employer supplies or contracts to supply demises to a worker a tenement on rental; where an employer supplies or contracts to supply victuals cooked under roof of employer; where an employer supplies or contracts to supply moneys for friendly society, life assurance, &c.

The above exemptions do not apply to any contractor or subcontractor for any work executed under the General Government of the colony, or any local authority, or to any contractor or subcontractor for any railway or road-making work, except in respect of money paid or advanced for medicine or medical attendance.

**“ THE WAGES ATTACHMENT ACT, 1895.”**

No order attaching or charging the wages of any workman shall be made by any Court, Judge, or Magistrate unless the amount of the wages exceed at the rate of £2 per week.

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**“ THE WAGES PROTECTION ACT, 1899.”**

In order to guard against deductions being made from wages for the purpose of paying premiums on accident-insurance policies.

It shall not be lawful for any employer to take or receive any money from any worker in his employ, whether by way of deduction from wages or otherwise, in respect of any policy of insurance against injury by accident; nor for any insurance company to receive from any worker money in respect of any policy of insurance which purports to indemnify any employer against any liability under the Employers' Liability Act, and to pay compensation in respect of injury to the worker by accident.

This does not apply to any voluntary arrangement between employer and worker as to insurance for accident outside working-time, if such arrangement is approved by a Stipendiary Magistrate after hearing evidence.

Moneys so taken or received may be recovered back with full costs of suit from employer, company, or person who received it. The consent of the worker shall not avail in any way as an answer or defence.

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**THE WORKERS' COMPENSATION FOR ACCIDENTS ACT.**

(“THE WORKERS' COMPENSATION FOR ACCIDENTS ACT, 1900”; THE AMENDING ACTS OF 1902, 1903, 1904, 1905, AND “THE ACCIDENTS COMPENSATION ACT, 1901.”)

*Interpretation of Worker.*—“Worker” in this Act includes persons of any age or either sex under contract with an employer and engaged in any employment to which the Act relates, whether on land or on a ship within New Zealand waters. It also applies to workers in the service of the Crown, except to those in the military or naval service for whom definite provision is otherwise made.

*To what Occupations Act Applies.*—The Act applies only to employment in any industrial, commercial, or manufacturing work carried on by an employer as part of his trade or business; also to mining, quarrying, engineering, building, or other hazardous work carried on by or on behalf of the employer, whether as part of his trade or business or not; also to work carried on by the Crown or a local authority if such employment is one that the Act would apply to in case of a private employer; also to agricultural labour, including horticulture, forestry, &c.

*Liability for Compensation Payments.*—The employer shall not be liable under this Act if the injury to the worker does not disable him from earning full wages for at least one week, nor in respect of an accident arising from the worker's serious and wilful misconduct. With these exceptions an employer shall be liable to pay compensation for accident as follows:—

(a.) When death results from the injury: If the worker leaves dependants who are wholly dependent, the compensation shall be not less than £200, or more than £400, less any weekly payments made under this Act. If the worker leaves dependants partly dependent, the compensation may be a reasonable sum not exceeding £400. If the worker leaves no dependants, the compensation shall be for medical and burial expenses, not in all exceeding £30.

(b.) When partial or total incapacity results from accident: The compensation is to be a weekly payment not exceeding 50 per cent. of the worker's average weekly earnings while at work during the previous twelve months. Such payment shall be made during the incapacity of the worker, but shall not exceed £2 per week, and the total liability of the employer shall not exceed £300, provided that no payment shall be made for the first week if the worker's incapacity does not continue for a longer period than two weeks. The compensation may, however, instead of weekly payments, be a lump sum agreed upon between parties or decided on by the Arbitration Court if applied to. The weekly payment must not be less than £1 per week in every case where the worker's ordinary rate for the work at which he was employed at the time of accident was less than £1 10s. a week.

*Wharf-labourers.*—There are special provisions for wharf-labourers, stevedores, and lumpers, both in regard to death and

injury. The compensation, when based on the worker's average weekly earnings, shall be deemed to be not less than a full working-week's earnings at the ordinary (not overtime) rate of pay for the work on which he was employed at the time of accident.

*Worker may take Other Proceedings.*—If the accident has been caused by the negligence, default, or wilful act of the employer, the employer's civil liability is not affected by this Act. The injured worker may sue for compensation under the Employers' Liability Act, or by any other process if he so prefers.

*Proceedings.*—Proceedings in regard to this Act are to be settled as an industrial dispute by the Arbitration Court, in which Court the worker or any party may appear personally or by barrister, solicitor, or agent. The certificate of the Court in regard to compensation shall have the effect of an award. Claims for compensation not exceeding £200 may be heard by a Stipendiary Magistrate, but appeal may be made from the Magistrate's decision to the Arbitration Court on any point of law. Notice of the accident must be given at once, and the claim for compensation made within three months, or in the case of death within six months.

*Contracting out.*—Contracting out from under the provisions of the Act is permitted if the Board of Conciliation for the district, after proper consideration, certifies that any scheme of compensation, benefit, or insurance is not less favourable to the general body of workers and their dependants than the Act. The Board's certificate is not to be for a longer period than five years. If an employer has work executed by a contractor who employs workers, both principal and contractor are counted as employers, and are jointly and severally liable to pay compensation.

*Sub-contracting.*—Sub-contractors are under the same liabilities as contractors and principals. Piecework contractors who do not in a gold or coal mine employ wages-men are deemed to be workers, and entitled to compensation in case of accident. If an employer becomes bankrupt a worker employed by him has first charge upon any sums coming from insurance.

There is a special provision in favour of those workers who are employed in mines, factories, house-building, and vessels. Such workers have a charge for the amount of compensation placed on

the property, on the mine, factory, vessel, plant, machinery, &c., and also on the land to which the property appertains. Such charge has priority over all other existing charges or encumbrances.

Every policy of accident-insurance must contain only such provision as is approved by the Governor in Council.

Twenty-one cases were decided under this Act—nineteen by the Arbitration Court and two by Stipendiary Magistrates—during the year, but a large number of cases was settled out of Court by compromise.

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### THE EMPLOYERS' LIABILITY ACTS.

(“THE EMPLOYERS’ LIABILITY ACT, 1882,” WITH THE AMENDING ACTS OF 1891 AND 1892.)

Giving an injured workman same right of compensation, &c., against his employer as if he were not a workman.

The definition of “workman” in the Act includes all manual labourers excepting domestic servants.

#### Where injury caused by defect in machinery, &c.

Where personal injury is caused to a workman by reason of defects in ways, works, machinery, or plant, or by negligence of superintendent or overseers, or by default or negligence of another workman in the service of employer, then the injured workman (or his relatives in case of death) shall have the same right of compensation and remedies against the employer as if the workman had not been a workman or engaged in his work.

#### Workmen not entitled to compensation in certain cases.

Such workman is not entitled to compensation if the accident has not arisen through negligence of the employer or his agents, nor if arising from defect in rules, by-laws, or instructions if such have been approved under an Act of the General Assembly, nor if the workman, knowing of the defect or negligence which caused his injury, has not given notice thereof to the employer or his workman’s superior officer; but his remaining at work while knowing of such defect, &c., is not to be held as proof of his voluntarily incurring risk.

Determining amount of compensation.

The amount of compensation recoverable shall be estimated and determined at such amount and in such manner as the Court before which the case is heard or the jury or the assessor may think fair and reasonable. Such amount recoverable under the Act shall not exceed £500, but if the case is heard before a jury shall not exceed three years' earnings of a person in the same grade and at similar employment. From such compensation shall be deducted sums already received on account of injury. Every case is to be brought in Court of competent jurisdiction, but with consent of both parties may be brought in Stipendiary Magistrate's Court, and at trial one or more assessors may be appointed. Notice of action must be given within six weeks of injury being received, and action to be commenced within six months, or in case of death twelve months.

Illegitimacy not a bar to claim.

A workman's being illegitimate does not prevent his mother and brother and sisters having the benefit of compensation. Any covenant or agreement for "contracting out" from the benefits of the Act is null and void. If an employer dies his representatives are liable for action. An employer is liable in respect of men working for his contractors and sub-contractors. The defence of "common employment" is of no avail in any action for remedy under this Act. An employer is entitled to be indemnified by the workman whose negligence has caused the injury to the extent of any damages and costs the said employer has paid.

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**THE CONTRACTORS' AND WORKMEN'S LIEN ACTS.**

("THE CONTRACTORS' AND WORKMEN'S LIEN ACT, 1892," WITH PORTIONS OF "THE THRESHING-MACHINE OWNERS' LIEN ACT, 1895.")

Contractor, sub-contractor, or workman entitled to a lien on the property.

A contractor, sub-contractor, or workman who does or procures to be done any work upon or in connection with any land or any building or other structure, or permanent improvement on land, or

in connection with any chattel, is entitled to a lien upon the whole interest of the employer in that land or chattel for the contract price of the work, provided that the lien does not exceed the amount due, or, in case of a workman, the amount of thirty days' earnings. The estate of the owner of the land or chattel is subject to such lien or liability, even if such owner is not the employer.

#### Priority of liens.

In the case of mortgaged lands, the mortgagee shall have priority of lien, unless he is a party to the contract. The several liens and charges under the Act have priority in the following order : (1) Those of the workmen ; (2) those of the sub-contractors ; (3) those of the contractors.

#### Notice of claim to be given.

Notice of the intention to claim a lien upon any land or chattel must be given to the owner on completion of work, or within thirty days thereof. Upon receipt of such notice the contractor or employer must keep in hand sufficient money to discharge the claim or be himself liable. Payments up to three-fourths of amount due shall entitle employer or contractor to discharge; one-fourth may be retained for thirty-one days.

Every contractor must give notice to employer of all sub-contracts.

#### Settlement of claims.

Claims under the Act may be settled on application in a summary manner by any Court having jurisdiction, as follows: In the Stipendiary Magistrate's Court for an amount not exceeding the Magistrate's jurisdiction; in a District Court if not exceeding £200; and in a Supreme Court if above that amount. Appeal may be made from a lower to a higher Court. By an employer or owner paying the amount claimed into Court, or by giving approved security for it, land or property upon which a lien is claimed may be relieved from liability. In the event of the death of a person entitled to a lien, his rights of lien shall pass to his representatives. A lien on land may be discharged by a receipt from claimant or his authorised agents for the amount claimed; such receipt to be verified by affidavit, and filed by the District Land

**Registrar or Registrar of Deeds.** If judgment is recovered against an employer or owner, the Court may direct a sale of the land or chattel to take place.

In the case of personal chattels in possession of a workman for the purpose of alteration or improvement, the workman may (after the sum to which he is entitled remains unpaid for two months) cause the chattel to be sold by auction, if he has given one week's previous notice by newspaper advertisement, and served a notice on the owner.

**Sub-contractor.**

“Sub-contractor” shall include the owner or lessee of any threshing-machine who contracts with any other person to thresh grain. The cost of threshing a crop may be made a charge on the proceeds of the realisation of such crop.

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**“ THE SERVANTS’ REGISTRY OFFICES ACT, 1895.”**

“Servant” means a person engaged or seeking engagement for hire in any manual capacity, whether domestic, agricultural, pastoral, mechanical, or otherwise.

**Office-keepers to obtain licenses.**

It shall not be lawful for any person, directly or indirectly, to keep or conduct a registry office, or in any way to hold himself out to be a keeper or conductor thereof, or to charge or recover fees for or in connection with the hiring of servants, unless he be the holder of a license.

**Provisions for the issue of licenses.**

The Inspector of Factories for the district (as constituted under the Factories Act) shall issue a license (not transferable) to any person who makes application in due form, together with the prescribed fee of 10s., and a certificate of character signed by a Stipendiary Magistrate. Before a person shall apply to a Magis-

trate for such certificate he shall give at least three days' notice to the Inspector, stating the time and place, when, and where such applicant intends to apply for such certificate, and the Inspector shall be entitled to be heard and bring evidence in opposition to the granting of such certificate. It is unlawful for any person not holding such a license to keep or conduct a registry office.

The license, unless sooner cancelled, shall continue in force for one year, and may be renewed from year to year on payment of an annual fee of 5s. The Inspector shall keep a register of all license-holders in his district, and of all indorsements and cancellations of licenses. Every license-holder shall keep books containing names of every person who pays or is charged a fee, and also the originals of all letters received for a period of one year in connection with the hiring of servants; such books and documents to be open to inspection by the Inspector. Any employer or servant may at all reasonable times inspect and take copies of any entry relating to himself in such books.

#### Scale of fees.

The Governor in Council may by *Gazette* notice prescribe the scale of fees, a printed copy of which scale shall be hung up in some conspicuous place in the registry office. It is unlawful to charge any fee except such as is mentioned in such scale, and if any other fee is charged it may be recovered back with full costs of suit by persons who paid it. No holder of a license may take or accept, directly or indirectly, any goods or chattels in payment or as security for fees, nor accept any reward or consideration in addition to said fees. No license-holder may have an interest in a lodging-house for servants.

#### Convictions and cancellation of license.

Every conviction against a license-holder shall be indorsed by the convicting Magistrate or Justices, and upon a third indorsement within three years from the first the license shall be deemed cancelled, and delivered up to the Inspector. No person whose license has been cancelled shall be entitled to hold a license in any district until the expiration of one year from the date of such cancellation.

**“THE SHEARERS’ ACCOMMODATION ACT, 1898.”**

“Shearer” includes all employees in or about shearing-sheds, and “Inspector” means an Inspector of Factories.

**Inspection.**

It shall be the duty of every Inspector to visit and inspect at least once a year all shearing-sheds within the district assigned to him, and not later than the 31st March in every year to make a full and detailed report of such inspection to the Minister of Labour. Every Inspector shall have right of ingress and egress to every shearing-shed.

**Proper and sufficient accommodation to be provided.**

It shall be the duty of the Inspector to see that proper and sufficient accommodation shall be provided at every shearing-shed for the health and comfort of the shearers. Where the Inspector considers that no provision or insufficient provision is made, he shall serve the employer with a written notice requiring him to provide, amend, or enlarge accommodation; such notice not to be served later than the 1st June of each year. Upon application of an Inspector for an order against an employer, a Stipendiary Magistrate shall hear and determine the case. The Magistrate may order proper accommodation to be provided, or may dismiss the case, or may make such order as the justice of the case may require, including the allocation of costs.

**Minimum air-space.**

“Proper and sufficient accommodation” shall, as regards sleeping-room, mean not less than 240 cubic feet of space for each shearer sleeping in any room or apartment. The owner shall not be required to provide blankets or bedding. Separate sleeping-accommodation must be provided for any person or persons of the Chinese race from that provided for other shearers.

**No appeal from Magistrate’s decision.**

No appeal is allowed from the order or determination of any Stipendiary Magistrate under this Act. The Act shall not apply to any shearing-sheds in which less than six shearers are employed,

nor to shearers whose residences are in the immediate neighbourhood of the shearing-shed in which they are employed and who sleep at their own home.

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**“ THE LABOUR DEPARTMENT ACT, 1903.”**

The general duties of the Labour Department shall be,—

(1.) To administer the labour laws of New Zealand. (2.) To acquire and disseminate knowledge on all matters connected with the industrial occupations of the people, with a view of improving the relations between employers and workers. (3.) To collect and publish reliable information relating to or affecting the industries of the colony and rates of wages. (4.) To perform such other duties as may from time to time be prescribed by any Act of the General Assembly.

**Officers' powers.**

For the purpose of obtaining the necessary information, the Minister and any officer of the Department specially authorised may procure from all officers of any industrial society, trade-union, or other association of workers information as to the rules, membership, benefits, &c., of any such society or association, and may require any employer to state in writing the full name of every manager or superintendent of his business, and the full name, occupation, hours of labour, and payment of every worker employed by him.

No information so obtained may be divulged save for the purposes of the Act. For the purpose of obtaining the information the Minister or any officer appointed or specially authorised by him shall have all the powers and authorities conferred by the Commissioners Act on a Commission issued or appointed by the Governor in Council.

**Penalty for failure to supply information.**

Every person who neglects or refuses for the space of one month after the second application to furnish the information under any of the provisions of this Act is liable to a fine not exceeding £20, and any person furnishing such information knowing it to be false shall be liable to a similar penalty, recoverable before a Stipendiary Magistrate.

**Annual report of Minister.**

The Minister of Labour shall make an annual report to the Governor on the working of this Act, and such report shall be laid before Parliament within fourteen days of the commencement of each session.

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**“THE ACCIDENT INSURANCE COMPANIES ACT, 1902.”**

Every accident-insurance company shall prepare a statement of its business and of its balance-sheet annually in a prescribed form. Every such statement shall be signed by the principal manager of the company's business in New Zealand, shall be printed, and within four months of the close of the company's financial year shall be deposited with the Colonial Treasurer, who may ask for additional explanation. The Colonial Treasurer shall lay annually before Parliament copies of all such statements deposited with him. Penalties are provided for not complying with requirements of Act and for signing false statement. Accident-insurance policies are exempt from stamp duty.

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**“THE ALCOHOLIC LIQUORS SALE CONTROL ACT AMENDMENT ACT, 1895”**

**(EXTRACT FROM).**

Section 10 of this Act appoints every day on which the election of the Licensing Committee takes place, or upon which the poll of local option is taken, to be a half-holiday after midday. Between the hours of 12 noon and 7 o'clock in the evening it is unlawful to sell intoxicating liquors in any licensed premises.

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**“THE BANK HOLIDAYS ACT, 1902.”**

No day or portion of a day shall be appointed as a special bank holiday or part holiday except with the previous consent in writing of the Colonial Treasurer.

No employee of a bank shall be employed during any part of a bank holiday or special bank holiday except for dealing with correspondence and urgent matters of the day. This is not to apply in case of any person employed on the day or any one of the seven days immediately preceding or following the day on which the bank balances its books for the half-year, nor in the case of any caretaker of the bank premises, provided that not less than seven days' notice in writing of the day on which the bank balances its books shall be given to the Inspector of Factories.

The days to be kept as close holidays in banks are as follows: New Year's Day, Good Friday, the day after Good Friday, Easter Monday, Christmas Day, the day after Christmas Day, 17th March (St. Patrick's Day), 23rd April (St. George's Day), 30th November (St. Andrew's Day), the Sovereign's Birthday, the Prince of Wales's Birthday, the second Wednesday in October (Labour Day).

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#### “THE BANKRUPTCY ACT, 1892”

(EXTRACTS FROM).

Salary and wages to be a claim in a bankrupt estate.

Any clerk, servant, artisan, labourer, or workman may prove and obtain a dividend in a bankrupt estate on any claim he may have for salary and wages beyond what is made a preferential claim.

The order of preference is as follows:—

- (1.) Assignee's costs and charges.
- (2.) Assignee, for supervisor, &c.
- (3.) Rent.

(4.) (a.) All wages or salary of any clerk or servant in respect of services rendered to the bankrupt during the whole or any part of the four months preceding the date of the filing of a debtor's petition, or the filing of a creditor's petition on which an order of adjudication is made, not exceeding £100. (b.) All wages of an artisan, labourer, or workman, as in last preceding paragraph, but order of adjudication not exceeding £50. (c.) Any sum ordered

by the Court to be paid out of the bankrupt's estate to or for the use of an apprentice.

Between themselves the debts mentioned in this section (4) shall rank equally and be paid in full, unless the property of the bankrupt is insufficient to meet them, in which case they shall abate in equal proportions between themselves.

See also "The Companies Act, 1903."

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#### "THE COAL-MINES ACTS COMPILATION ACT, 1905"

##### (EXTRACTS FROM).

"Boy" means a male person under the age of thirteen years, "youth" one under eighteen, and not under thirteen years; "Minister" means the Minister of Mines, and "Inspector" an Inspector of Mines.

##### Restrictions as to females and boys.

No female and no boy shall be employed in any capacity in or about a mine. No youth shall be employed as lander or braceman, nor shall be employed more than forty-eight hours per week, exclusive of meal-times, nor for more than eight hours per day, except in cases of emergency. No youth under eighteen is to work an engine, windlass, &c., or of any part of the machinery on any vertical shaft or inclined plane or level through which persons are brought up or passed down or along. No person under the age of twenty-one years is to be in charge of a steam-engine or boiler.

Any person in charge of steam machinery is not to be worked for more than eight consecutive hours, with an interval of not less than four hours. If employed seven consecutive days in the week he is entitled to not less than twelve half-days or six full days of holidays during the year.

Except in cases of written permission being given by the Inspector (lest damage be done to the mine), no workman can be employed in or about the mine on a Sunday.

**Overtime.**

Overtime rates are to be paid to any miner employed underground for more than eight hours in a day, counting from the time he enters the underground workings of the mine to the time he leaves the same.

**Mine-owners to contribute to a Sick and Accident Fund.**

The owner of every coal-mine shall contribute to a fund for the necessary relief of coal-miners who may be injured at work, and for the relief of the families of coal-miners killed or injured whilst at work. For the purpose of such fund every such owner shall pay a sum equivalent to  $\frac{1}{2}$ d. per ton on all coal sold, except brown coal and lignite, and  $\frac{1}{4}$ d. per ton on all brown coal and lignite sold. Such sum shall be paid to an account called "The Sick and Accident Fund" in connection with the miners' association of the district, but if there is no such association the money is to be paid into the nearest Post-Office Savings-Bank to an account called "The Coal-miners' Relief Fund." All moneys so paid into the Sick and Accident Fund shall be operated upon only by the persons appointed in that behalf by the miners' association, and all moneys paid into the Coal-miners' Relief Fund shall be operated on jointly by the Minister and Public Trustee for the purpose of said relief.

**Wages, &c., not to be paid in or near publichouse, &c.**

No wages or contract-money shall be paid to any miner within any publichouse, beer-shop, or place for the sale of spirits, beer, &c., or in any office, garden, or place belonging to or contiguous thereto.

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**"THE DEATHS BY ACCIDENT COMPENSATION ACT, 1880."**

This is an Act almost entirely on the same lines as the Employers' Liability Acts, except that the latter Acts include injury to a person without such being necessarily fatal injury, and go much more extensively into details than the former. The Deaths by Accidents Compensation Act does not set a limit to the amount which can be obtained as damages or compensation.

## "THE ELECTORAL ACT, 1903"

(EXTRACT FROM).

Every day on which any election for members of the House of Representatives takes place shall be a public holiday after mid-day, and it shall not be lawful to sell intoxicating liquors in any licensed premises between the hours of 12 o'clock noon and 7 in the evening.

Where the polling-day at such election is other than that appointed as the weekly half-holiday it shall be sufficient for an employer to observe polling-day as the weekly half-holiday instead of the half-holiday on the usual day.

It shall not be necessary for any factory to close during working-hours on the polling-day, but the occupier of the factory shall afford to each of his employees a reasonable opportunity of recording his vote, and no deduction shall be made from the wages of any such employee in respect of the time occupied in so recording his vote, provided that such time does not exceed one working-hour.

## "THE COMPANIES ACT, 1903"

(EXTRACT FROM).

In the distribution of the assets of a company that is being wound up there shall be paid in priority to other debts all wages or salary of any clerk or servant in respect of services rendered to the company during four months before the commencement of the winding-up, not exceeding £50; and also all wages of any labourer or workman in respect of services rendered to the company during two months before the commencement of the winding-up. The foregoing debts shall rank equally with one another, and shall be paid in full, unless the assets of the company are insufficient to meet them, in which case they shall abate in equal proportions.

See also "The Bankruptcy Act, 1892."

**“ THE CONSPIRACY LAW AMENDMENT ACT, 1894.”**

An agreement or combination by two or more persons to do anything or procure to be done any act in contemplation or furtherance of a trade dispute shall not be deemed to be unlawful so as to render such persons liable to criminal prosecution for conspiracy if such act committed by one person would not be unlawful. This does not apply to riot, unlawful assembly, breach of the peace, or any crime against the State or the Sovereign.

No person employed in the duty of supplying any city, borough, town, or place with gas, electric-light, or water shall agree with any other persons to leave the employ of the local authority, company, or contractor without at least fourteen days' notice in writing.

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**“ THE CRIMINAL CODE ACT, 1893 ”**

(EXTRACTS FROM).

*Relating to masters and apprentices.*

Any one who, as master or mistress, has contracted to provide necessary food, clothing, or lodging for any servant or apprentice under the age of sixteen years is under a legal duty to provide the same, and is liable to three years' imprisonment with hard labour if the life is endangered or the health permanently injured of any servant or apprentice by neglect to provide such necessities.

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**THE INSPECTION OF MACHINERY ACTS.**

(“ THE INSPECTION OF MACHINERY ACT, 1902,” AND “ THE INSPECTION OF MACHINERY ACT AMENDMENT ACT, 1903.”)

These Acts, although printed among the labour laws, are not administered by the Labour Department, but by the Chief Inspector and the Inspectors of Machinery. They deal mainly with the granting of certificates of service to engineers, firemen, &c., and granting of certificates for boilers and machinery.

A young person under fourteen years of age is not to be employed in working at or with machinery. If under the age of fifteen years he may not clean any part of the gearing of machinery in motion. If under eighteen years he may not have charge of boiler or machinery.

### THE KAURI-GUM INDUSTRY ACTS.

(“THE KAURI-GUM INDUSTRY ACT, 1898,” “THE KAURI-GUM INDUSTRY ACT AMENDMENT ACT, 1899,” “THE KAURI-GUM INDUSTRY AMENDMENT ACT, 1902,” AND “THE KAURI-GUM INDUSTRY AMENDMENT ACT, 1903.”)

These Acts are generally controlled by the local authorities (County Councils, &c.).

The North Island of New Zealand, which is the only locality wherein kauri-gum is found, is divided into kauri-gum districts, and within which kauri-gum reserves may be set apart.

Local authorities are empowered to issue licenses to kauri-gum diggers and kauri-gum buyers.

Kauri-gum reserves are situated in the neighbourhood of villages or settlements, and are set apart for the use of the members of the settlement, of Maoris, and of licensees holding licenses indorsed with permission to dig on the reserve for gum. Certain qualifications are necessary before becoming holder of either a special or ordinary license to dig for gum. The licenses are issued annually on a fee of 5s. for a special license, and £1 for an ordinary license. The fee for a gum-buyer's license is £1 per annum.

The gum-digging license includes the privilege of taking up a residence or business site, not exceeding 2 acres, of unoccupied Crown land.

Rangers may be appointed to see the provisions of the Act carried out, and to these Rangers a licensee must produce his license on application. The Commissioner of Crown Lands may issue a license to dig gum on land, subject to “The New Zealand State Forests Act, 1885,” during the winter months. For this a fee of 10s. for each license is charged.

**“ THE LABOUR DAY ACT, 1899.”**

This Act declares the second Wednesday in the month of October of each year to be a public holiday, known as “ Labour Day.”

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**“ THE LAND FOR SETTLEMENTS CONSOLIDATION ACT,  
1900 ”**

(EXTRACT FROM).

This Act provides for the compulsory resumption by Government of land for the purposes of establishing thereon workers' homes. Such resumption cannot take place in a borough of less than fifteen thousand inhabitants, or within a radius of fifteen miles from its boundary. (See also “ The Workers' Dwellings Act, 1905.”)

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**“ THE LEGITIMATION ACT, 1894 ”**

(EXTRACT FROM).

This only makes the provisions of “ The Deaths by Accident Compensation Act, 1880,” apply to illegitimate as well as to legitimate children.

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**“ THE LICENSING ACT, 1881 ”**

(EXTRACT FROM).

This provides that payments to workers shall not be made in any licensed premises or place where liquor is sold, unless in the case of a licensed person paying his own servants or workmen engaged in his business.

**"THE MASTER AND APPRENTICE ACT, 1865."**

**Powers and responsibilities of a master over his apprentice.**

All masters of apprentices in New Zealand shall have such and the like powers over every apprentice as the master of every apprentice has by the laws of England, and shall be responsible for the due performance of contracts entered into with such apprentice as the master of any apprentice would be by the laws of England, so far as the same are applicable to New Zealand.

**Government officers may receive apprentices.**

Government officers may receive apprentices for a term of not less than three nor more than seven years. Indentures of apprenticeship shall be executed. The persons in charge of an orphan-school or any public institution of an eleemosynary character may bind children under their charge as apprentices for a term not exceeding five years, and which shall expire when such children shall attain the age of nineteen years or (if females) marry with the consent of persons appointed under the Act. In such case certain terms must be complied with, as paying money into the Savings-Bank every year for the benefit of the apprentice at the expiration of the term. Deserted children above the age of twelve years may be indentured by two Justices of the Peace. The master of an apprentice may, with the written consent of two Justices of the Peace, assign an apprentice to another person. Masters ill-treating their apprentices may be punished by being brought before a Justice of the Peace and fined; male apprentices over fourteen years may be brought before two Justices and punished by solitary imprisonment not exceeding three days. Appeal to the Supreme Court is allowed.

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**THE MINING ACTS.**

(**"THE MINING ACT COMPILATION ACT, 1905," AND "THE MINING ACT AMENDMENT ACT, 1905."**)

These Acts are administered by the Minister of Mines. These Acts do not apply to coal-mines. (See Coal-mines Acts.)

Liens on mining privileges are given to all workmen thereon, extending to three months' wages in case of a wages-man and £100

in the case of a contractor or sub-contractor. The mining privileges may be sold (under the jurisdiction of the Warden) to satisfy such liens. Tributers have the right of lien to the amount of four weeks' wages at not less than £2 per week for each tributer.

No person in charge of machinery (except in cases of breakage or special emergency) shall be employed longer than eight consecutive hours at a time, with an interval of not less than four hours. Such period of eight hours to be exclusive of meal-times. He is also entitled to one whole holiday or two half-holidays for every eight weeks if in charge of such machinery on seven consecutive days.

No female person of any age and no male person under the age of eighteen years shall be employed for hire in any capacity in or about a mine. No person under eighteen years shall be employed as lander or brakeman about a shaft, nor (except in cases of special emergency) be employed for more than forty-eight hours in any week, or for more than eight hours in twenty-four hours, exclusive of meal-times. No person may be employed on Sundays in or about a mine except under written authority of an Inspector of Mines, who is satisfied that otherwise risk to the mine will ensue.

Every workman employed underground in a mine shall be entitled to be paid overtime when he is employed underground for more than eight hours per day, counting from the time he enters the underground workings to the time he leaves the same.

All wages payable to the workmen employed at any mine shall, if so requested by a majority of such workmen, be paid either at the mine or at some place not more than two miles from the mine. Where workmen are employed in a mine, or are members of an industrial union, such workmen or union may, at their own cost, appoint two persons to inspect the mine, and such inspectors shall have full liberty to visit and inspect every part of the mine, its machinery, and workings once at least every month. A record of the report of such workmen-inspectors shall be kept at the office of the mine, and any Inspector under the Act, or workman employed in the mine, or officer of the miners' industrial union may at all reasonable times inspect such books and take extracts or copies therefrom.

Any accident occurring in a mine shall be *prima facie* evidence that such accident occurred through some negligence on the part of the owner.

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#### “ THE PUBLIC CONTRACTS ACT, 1900.”

In every public contract—that is, a contract by or on behalf of the Government, or any Education Board, Harbour Board, or any local authority—the contractor shall be deemed to have agreed with his workers to observe such length for the working-day and to pay such rates of wages or other remuneration for working-days and for overtime respectively as are generally considered in the locality to be usual and fair for the description of labour to which they relate. This does not prevent the observance of an agreement to work shorter hours or for greater pay than ruling rates in the district. In every public contract the maximum rate of the working-day shall not exceed eight hours, exclusive of overtime. “Contracting out” from the foregoing provisions is not permitted.

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#### THE SHIPPING AND SEAMEN ACTS.

(“THE SHIPPING AND SEAMEN ACT, 1903,” AND “THE SHIPPING AND SEAMEN ACT AMENDMENT ACT, 1905.”)

The Act is under the direction of the Marine Department, and only the notable points relating to labour are here inserted.

When a seaman serving in a British foreign-going ship or in a home-trade ship is, on the termination of his engagement, discharged in New Zealand, it must be in the presence of a Superintendent of Mercantile Marine, in whose presence his wages are to be paid; but in the case of a single seaman on a home-trade ship, he may be discharged on board, and the discharge reported to the Superintendent at the first port of arrival after the discharge. A full and true account must be delivered before the master of a ship pays off or discharges a seaman, and no deduction is allowed except those stated in the account.

Where the master, owner, or agent of any ship engages seamen in New Zealand, or, having engaged them abroad, employs them in New Zealand, these seamen while so employed shall be paid and may recover the current rate of wages ruling in New Zealand. A seaman's right to wages and provisions begins either when he commences work or at the time specified in his agreement. A seaman may not "contract out" of any right to wages, share of salvage, &c., nor shall his right to wages depend on the earning of freight. Where a seaman is discharged in the colony before completing the term of his engagement, he shall be paid the amount due up to the date of his discharge. When the service of a seaman terminates by shipwreck, or by being left abroad through inability, he shall be paid wages up to date of such termination, but not for a period during which he has unlawfully failed to work or has been lawfully imprisoned. If illness has been brought on by his own wilful act or default, he is not entitled to wages for that time. Costs of conviction before a competent tribunal for an offence may be deducted from wages. If a seaman after signing an agreement is discharged before one month's wages are earned, without fault on his part and without his consent, he shall receive, in addition to wages earned, compensation not exceeding one month's wages.

Seamen's wages are not liable to attachment or arrestment by any Court; they are not subject to assignment or sale; a power of attorney or authority for the receipt of wages is not irrevocable; and a payment of wages to a seaman or apprentice is valid, notwithstanding any previous sale, assignment, encumbrance, &c.

Every place in any ship occupied by seamen and apprentices shall have for each person a space of not less than 72 nor more than 120 cubic feet, and of not less than 12 nor more than 18 superficial feet, measured on the deck or floor of that place. Every place so occupied shall be kept free from goods and stores of every kind not being the personal property of the crew in use during the voyage. This does not apply to steamships plying within river limits.

A debt exceeding in amount 5s. incurred by any seaman after he is engaged to serve shall not be recoverable until the service agreed for is concluded. Every person is liable to a fine who received or demands from a seaman or apprentice payment for

board and lodging in the house of that person for a longer period than the seaman or apprentice has actually boarded or resided, or who receives or takes into possession the money or effects of a seaman or apprentice and does not return the same when required, subject to deduction for board and lodging. If within twenty-four hours after the arrival of a ship a person then on board the ship solicits a seaman to become a lodger at the house of a person letting lodgings, or takes out of a ship any effects of a seaman, except under the personal direction of the seaman and with the permission of the master, he shall be liable to a fine.

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#### “THE THRESHING-MACHINE OWNERS’ LIEN ACT, 1895.”

This Act is to be read with “The Contractors’ and Workmen’s Lien Act, 1892,” and gives to an unpaid worker at a threshing-machine a lien on the proceeds of the realisation of the crop.

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#### “THE TRADE-UNION ACT, 1878.”

Virtually the trade-union has disappeared in New Zealand, its place being taken by the industrial union formed under the Industrial Conciliation and Arbitration Act.

The purposes of any trade-union shall not, by reason merely that they are in restraint of trade, be deemed to be unlawful so as to render any member of such trade-union liable to criminal prosecution for conspiracy or otherwise, nor unlawful so as to render void or voidable any agreement or trust.

Nothing in this Act shall enable any Court to entertain any legal proceedings instituted with the object of directly enforcing or recovering damages for breach of agreements between members of a trade-union in regard to transacting business, nor for paying subscriptions or penalties, nor for applying funds to provide benefits, nor for furnishing contributions to masters or workmen, nor for discharging a Court fine, nor for making agreements between one union and another, nor for entering into a bond to secure the performance of any of the above-named agreements.

The following Acts shall not apply to trade-unions, viz.: The Joint-stock Companies Acts, the Limited Liability Joint-stock Companies Dissolution Act, the Life Assurance Companies Act, the Friendly Societies Act, and the Industrial and Provident Societies Act, except that in regard to the last-named Act a trade-union comes under its section 29 if it insures or pays money on the death of a child under ten years of age.

Seven members of a trade-union can register the union with the Registrar of Friendly Societies. The union may purchase land not exceeding 1 acre. All property shall be vested in trustees. The treasurer must account for all moneys received. Unless contrary to rules of the union, a person under the age of twenty-one, but above the age of sixteen, may be a member, but not an officer. A trade-union may change its name by a two-thirds majority vote, and with the consent of the Registrar. Two or more trade-unions may amalgamate. The rules must contain provision for the dissolution of the trade-union. Annual returns to the Registrar shall be made.

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#### “THE WORKERS’ DWELLINGS ACT, 1905.”

The Act directs that land may be acquired for the erection of workers’ dwellings, such land being either Crown land or land reserved under “The Land for Settlements Consolidation Act, 1900.” On any land so acquired the Minister of Labour may erect buildings suitable for workers’ dwellings, or may convert any buildings into workers’ dwellings, and may from time to time enlarge, repair, rebuild, and improve such dwellings, provided that the cost of such erection or construction shall not in the case of any workers’ dwelling exceed £350 if constructed of wood, and £400 if of brick, stone, or concrete.

Every worker’s dwelling shall be disposed of by the Land Board, either on a weekly tenancy or by way of lease, for a period of fifty years, with right of renewal. Every applicant shall satisfy the Board that he is a worker—that is, employed at the time of his application at manual labour—and landless. The weekly rental shall be at the rate of 5 per cent. on the capital value of the

worker's dwelling, in addition to the cost of insurance and estimated rates. The payments under lease shall be made monthly at the rate of 5 per cent. (being 4 per cent., and 1 per cent. for depreciation), in addition to cost of insurance. The freehold may be acquired on certain detailed conditions, one of the methods of doing so being by life-insurance. The owner of a dwelling shall reside therein, and no disposition of the lease or freehold is valid without consent of the Land Board.

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#### “ THE WORKMEN’S WAGES ACT, 1893.”

“ Workman ” means any person, male or female, and whether under or above twenty-one years of age, employed in manual labour or in work of any kind.

In the absence of an agreement in writing to the contrary, the entire amount of wages earned by or payable to any workman engaged or employed in manual labour shall be paid to such workman at intervals of not more than one week.

The wages due to any workman (subject to “ set-off ” in accounts) shall be a first and paramount charge upon the moneys due to a contractor by an employer, provided that until a notice of attachment is served the employer is at liberty to pay to the contractor all moneys due. The contractor shall keep a full and truthful account in writing of all moneys received from an employer, and produce such account when demanded by a workman whose wages are more than eight clear days in arrear, and the workman may take a copy or extracts from such account. If an employer shall pay a contractor in advance, he is not entitled to set off any such payments against wages due to and claimed by the workmen.

Any workman whose wages remain unpaid for twenty-four hours after they become payable may serve the employer or his attorney or agent with a notice of attachment in due form. All moneys so attached shall be paid by the employer in priority according to the order of the service of the notices attaching such moneys; but all notices served within seven days of the first shall be deemed to

be served simultaneously. If the employer served with notice of attachment and Court's order for payment shall fail to pay, the workman may sue and recover in his own name in any Court having jurisdiction. A workman employed by a sub-contractor has the same right against the contractor as the workman in the service of a contractor has against the employer. This Act has to be read with "The Truck Act, 1891," and "The Contractors' and Workmen's Lien Act, 1892."

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